

IN THE SENATE OF THE UNITED STATES.

MARCH 24, 1880.—Ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1322.]

The Committee on Claims, to whom was referred the bill (S. 1322) for the relief of Thomas J. League, have considered the same, and submit the following report thereon :

Thomas J. League, a resident of Galveston, in the State of Texas, in the month of December, in the year 1865, rented to the United States a wharf and coal-yard at Galveston, Tex., for the sum of \$2,500 per month.

The government occupied the property from December 1, 1865, to March 31, 1866—four months. At the expiration of this time the government surrendered possession of the wharf, but continued in occupation and use of the yard from April 1, 1866, to June 30, 1866—three months—at \$250 per month.

The duly authorized officers of the government certified to the correctness of the claim, and allowed the same, as will appear by certificates, of which the following are true and correct copies :

No. 22.

1866. The United States to T. J. League, dr. July 9. For rent, at Galveston, Texas, of coal wharf and yard used for discharging and shifting government coal and other freights—the yard used for storing government coal—from December 1, 1865, to March 31, 1866, four (4) months, \$2,500 per month \$10,000

I certify that the above account is correct and just ; that the services were rendered as stated, and that they were necessary for the public service, and that the services have been reported by me, according to the Army regulations, as per my supplemental report of "persons and articles" for December, 1865, and January, February, and March, 1866.

T. M. K. SMITH,
1st Lieut. U. S. Infantry, A. A. Q. M.

Across the face was written :

Approved.

S. H. MANNING,
Colonel and Chief Q. M. Dept. of Texas.

No. 22.

1866. The United States to T. J. League, dr. August 1. For rent at Galveston, Texas, of coal yard used for storing government coal, from April 1, 1866, to June 30, 1866, three (3) months, \$250 per month.

I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and that the services have been reported by me, according to the Army regulation, as per my report of "persons and articles" for August, 1866.

T. M. K. SMITH,
1st Lieut. U. S. Infantry and A. A. Q. M.

Across the face of which was written :

Approved.

S. H. MANNING,
Colonel and Chief Q. M. Department of Texas.

On the 31st of March, 1866, the property was returned to the claimant, as will appear by the following communication, addressed to Messrs. Walston, Wells & Bidor, the attorneys for T. J. League :

OFFICE DEPOT QUARTERMASTER,
Galveston, Texas, March 31, 1866.

MR. WELLS,
of Messrs. Walston, Wells & Bidor :

SIR: I would respectfully inform you that the Quartermaster's Department hereby turns over to you from this date the wharf used for loading and unloading government coal, the government retaining the yard and allowing you the right of way to the wharf, the government also reserving the right of loading and unloading stone at said wharf, and guarding the property remaining there.

Very respectfully, your obed't serv't,

E. F. FARR,
Bvt. Maj. and A. Q. M.

The claim was subsequently disallowed by the department, under the act of February 21, 1867:

Respectfully returned to the honorable the Secretary of War, together with all the previous papers on file in this office relative to the case.

Under the act of February 21, 1867, the claim cannot be allowed.

M. C. MEIGS,
Quartermaster-General.

NOVEMBER 25, 1870.

The act of February 21, 1867 (vol. 14, U. S. Stat. at L., p. 397) provides that the act of July 4, 1864, "shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to the real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the Southern rebellion in a State or part of a State declared in insurrection by the proclamation of the President of the United States dated July first, eighteen hundred and sixty-two, or in a State which, by an ordinance of secession, attempted to withdraw from the United States Government."

The occupation of the property in question by the United States, and the value of the use and occupation, are admitted by the government

The claim is disallowed solely for the reason that the payment of it is prohibited by statute. (Stats. at Large, vol. 14, p. 397.)

It is said that the claimant could have relief before the Southern Claims Commission.

The jurisdiction conferred upon that board is as follows:

To receive, examine, and consider the justice and validity of such claims as shall be brought before them, of those citizens who remained legal adherents to the cause and the Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States in States pro-

claimed as in insurrection against the United States, including *the use and loss of vessels or boats* while employed in the military service of the United States. (16 Stats. at Large, chap. 116, sec. 2, p. 524.)

The commission itself have decided that their jurisdiction does not extend to claims of this nature, viz, for rent. (House Mis. Doc., 2d sess. 42d Cong., No. 16, p. 3.)

The bill for the relief of N. Boyden, reported favorably from this committee during the present session of Congress, is on all fours with this bill. (S. bill 715, 46 Cong., 2nd session, Report No. 54.)

On August 20, 1866, the President, by proclamation, declared that the insurrection in Texas was at an end.

Under said act of February 21, 1867, the departments have declined to pay any claims originating in the insurrectionary States from the beginning of the insurrection to the date of the President's proclamation declaring the insurrection at an end, whether such claims arose under contracts or otherwise. And thus all persons whose just claims are based upon an express contract between themselves and the proper officers of the government made within the limits of the insurrectionary States within the period above named are forced to appeal to Congress for relief.

This claim arose out of a contract between the claimant and the proper quartermaster, was duly signed, certified, and reported by said quartermaster, and approved by his commanding officer, and the claimant certainly is entitled to the amount specified in the contract.

The committee report the bill back with the recommendation that it do pass.

